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17698 U.S.PTO

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S.PTO  
10/768238  
012904

Anticipated Classification  
of this Application:

Class \_\_\_\_\_  Subclass \_\_\_\_\_

Prior Application 31353

Examiner: Allan R. Wilson

Art Unit: 2815

**DIVISIONAL APPLICATION TRANSMITTAL**

MS PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is a request for filing a  continuation  divisional application pursuant to 37 C.F.R. § 1.53(b), of pending prior application:

Serial No. 10/429,460 filed May 5, 2003, by Toshitake YAEGASHI, Kazuhiro SHIMIZU, and Seiichi ARITOME (inventor(s) currently of record in prior application) for NON-VOLATILE SEMICONDUCTOR MEMORY DEVICE AND ITS MANUFACTURING METHOD.

1.  Enclosed is a copy of the prior application, including the oath or declaration as originally filed, or a replacement specification which does not add new matter.
2.  The filing fee is calculated below:

CALCULATION OF FEES								
ITEM		TOTAL NO. OF CLAIMS		NO. OF CLAIMS OVER BASE	LG/SM \$ ENTITY FEE		\$ AMOUNT	\$ FEE
A	TOTAL CLAIMS FEE	4	-20	0	LG=\$18 SM=\$9	\$0	\$ 0	
B	INDEPENDENT CLAIMS FEE*	2	-3	0	LG=\$86 SM=\$43	\$0	\$ 0	
C	SUBTOTAL - ADDITIONAL CLAIMS FEE (ADD FINAL COLUMN IN LINES A + B)						\$ 0	
D	MULTIPLE-DEPENDENT CLAIMS FEE						LARGE ENTITY FEE = \$290 SMALL ENTITY FEE = \$145	\$ 0
E	BASIC FEE						LARGE ENTITY FEE = \$770 SMALL ENTITY FEE = \$385	\$ 770.00
F	TOTAL FILING FEE (ADD TOTALS FOR LINES C, D, AND E)							\$ 770.00

\*LIST INDEPENDENT CLAIMS 17 & 18

3.  The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Account No. 50-1314. A copy of this sheet is enclosed.
4.  A check in the amount of \$ 770.00 is enclosed.

5.  Cancel in this application original claim(s) 1-16 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

6.  Amend the specification by inserting before the first line the sentence:

This is a  continuation  divisional of application Serial No. 10/429,460 filed May 5, 2003, which is a continuation of application Serial No. 10/138,849 filed May 3, 2002, which is a divisional of application Serial No. 09/741,261 filed December 19, 2000, which is a divisional of application Serial No. 09/112,482 filed July 9, 1998, issued patent No. 6,265,739, which applications are hereby incorporated by reference in their entirety.

- 7a.  New formal drawings are enclosed.

- 7b.  Priority of application Serial No(s).:

Japanese application Serial No. 9-184863 filed July 10, 1997 is claimed under 35 U.S.C. § 119.

- 7c.  The certified copy of the priority application was filed in prior application Serial No. 09/112,482, filed July 9, 1998.

8.  The prior application is assigned of record to: KABUSHIKI KAISHA TOSHIBA.

9.  The power of attorney in the prior application is as listed on the attached copies of the declaration and Associate Power of Attorney filed in the parent application.

- a.  The power appears in the original papers in the prior application.

- b.  Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.

- c.  Address all future communications to:

Anthony J. Orler  
HOGAN & HARTSON L.L.P.  
Biltmore Tower  
500 South Grand Avenue, Suite 1900  
Los Angeles, CA 90071  
Telephone: (213) 337-6700  
Facsimile: (213) 337-6701

Customer Number

000026021



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PATENT TRADEMARK OFFICE

- d.  A new Associate Power of Attorney is enclosed.

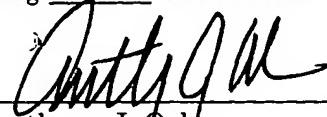
10.  A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

11.  Applicant claims small entity status. See 37 CFR 1.27.

Applicant no longer claims small entity status.

12.  An Information Disclosure Statement listing 19 references.

Date: January 29, 2004

  
Anthony J. Orler  
Registration No. 41,232

HOGAN & HARTSON L.L.P.  
500 South Grand Avenue, Suite 1900  
Los Angeles, California 90071  
Phone: 213-337-6700  
Fax: 213-337-6701

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:  
YAEGASHI, et al.  
Serial No: Not Assigned (Parent 10/429,460)  
Filed: January 29, 2004  
For: Non-Volatile Semiconductor Memory Device and Its  
Manufacturing Method

Art Unit: Not Assigned  
Examiner: Not Assigned

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL  
"Express Mail" Mailing Label No. EV 324 111 313 US  
Date of Deposit: January 29, 2004

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that

- two copies of a letter of transmittal of Divisional Application
- check in amount of \$ 770.00 as filing fee
- patent application (58 page(s) of specification; 4 claim(s); 1 page(s) of abstract)
- 25 sheet(s) of formal drawings
- copy of executed Declaration and Power of Attorney
- Preliminary Amendment
- Information Disclosure Statement listing 19 references
- return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 C.F.R. § 1.10 on the date indicated above and are addressed to:

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

Date: January 29, 2004

Hogan & Hartson, LLP  
500 South Grand Avenue, Suite 1900  
Los Angeles, California 90071  
Telephone: 213-337-6700  
Facsimile: 213-337-6701

Reynaldo Gallardo

Name of person/mailing papers

Reynaldo Gallardo

Signature